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P
PATENT
9/11/02

Attorney Docket No.: A-65909-1/RFT/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Examiner: BORIN, M.L.

BAMDAD, C., et al.) Group Art Unit: 1631

Serial No.: 09/135,183)

Filed: 17 August, 1998) RECEIVED

For: ELECTRONIC DETECTION OF)
NUCLEIC ACIDS USING)
MONOLAYERS)

SEP 06 2002

TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence and its listed
enclosures are being deposited with the United States Postal
Service as First Class Mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, DC 20231
on August 27, 2002

Signed: Mary McFarland

Mary McFarland

TERMINAL DISCLAIMER
TO OBVIATE A DOUBLE PATENTING REJECTION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Petitioner, **Clinical Micro Sensors, Inc.** (hereinafter "CMS"), represents that it is the
assignee of the entire right, title, and interest of

(1) the instant application, Application Serial No. 09/135,183, filed on August 17, 1998.
Sale Ref: 00000002 DAH: 502319 09135183
and,

01 FC:148 110.00 CH

(2) U.S. Patent No. 6,096,273, issued August 1, 2000 from Application Serial No. 08/743,798, filed on November 5, 1996.

Written assignment proof for Application Serial No. 09/135,183 is recorded in the U.S. Patent and Trademark Office at Reel/Frame 9567/0913 and Reel/Frame 011141/0917.

Written assignment proof for Application Serial No. 08/743,798 is recorded in the U.S. Patent and Trademark Office at Reel/Frame 010225/0614 and Reel/Frame 8757/0001.

Copies of the assignments are attached to this Terminal Disclaimer.

CMS hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer of prior U.S. Patent No. 6,096,273.

CMS hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

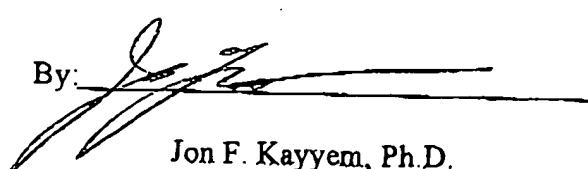
In making the above disclaimer, CMS does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of prior Patent No. 6,096,273, as shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present application identified above, and certifies that, to the best of assignee's knowledge and belief, title is in the assignee, CMS.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that willful, false statements may jeopardize the validity/enforceability of the application or any patent issued thereon.

Dated: May 3, 2002

By:


Jon F. Kayyem, Ph.D.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
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A-63761 / RFT, RMS
DECEMBER 02, 1997

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FLEHR HOHBACH TEST, ET AL.
ROBIN M. SILVA, ESQ.
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SAN FRANCISCO, CA 94111-4187



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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 2023

RECORDATION DATE: 10/09/1997

REEL/FRAME: 8757/0001

NUMBER OF PAGES: 6

BRIEF: CORRECT NOTICE OF RECORDATION DATED 3/17/97, REEL/FRAME 8406/0741, CORRECTING TWO CONVEYING PARTIES' NAMES. NEW ASSIGNMENT COVER SHEET ENCLOSED

ASSIGNOR:

KAYYEM, JON FAIZ

DOC DATE: 02/28/1997

ASSIGNOR:

O'CONNOR, STEPHEN D.

DOC DATE: 02/28/1997

ASSIGNOR:

GOZIN, MICHAEL

DOC DATE: 02/28/1997

ASSIGNOR:

YU, CHANGJUN

DOC DATE: 02/28/1997

ASSIGNEE:

CLINICAL MICRO SENSORS
101 WAVERLY DRIVE
PASADENA, CALIFORNIA 91105

SERIAL NUMBER: 08743798
PATENT NUMBER:

FILING DATE: 11/05/1996
ISSUE DATE:

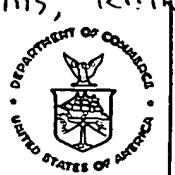
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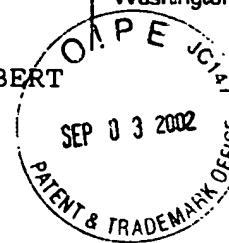
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RECORDATION DATE: 09/13/1999

REEL/FRAME: 010225/0614
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

MEADE, THOMAS J.

DOC DATE: 06/15/1999

ASSIGNOR:

CLINICAL MICRO SENSORS
101 WAVERLY DRIVE
PASADENA, CALIFORNIA 91105

SERIAL NUMBER: 08743798

FILING DATE: 11/05/1996
PATENT NUMBER:

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FLIESLER, Dubb, Meyer & Lovejoy

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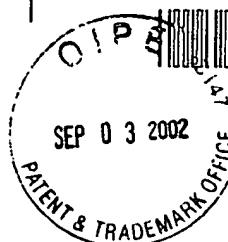
FEBRUARY 26, 1999

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RECORDATION DATE: 11/05/1998

REEL/FRAME: 9567/0913

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BAMDAD, CYNTHIA C.

DOC DATE: 10/30/1998

ASSIGNEE:

CLINICAL MICRO SENSORS, INC.
101 WAVERLY DRIVE
PASADENA, CALIFORNIA 91105

SERIAL NUMBER: 09135183

FILING DATE: 08/17/1998

PATENT NUMBER:

ISSUE DATE:

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DECEMBER 04, 2000

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RECORDATION DATE: 09/25/2000

REEL/FRAME: 011141/0917
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

YU, CHANGJUN

DOC DATE: 09/08/2000

ASSIGNOR:

CLINICAL MICRO SENSORS, INC.
757 SO. RAYMOND AVENUE
PASADENA, CALIFORNIA 91105

SERIAL NUMBER: 09135183

FILING DATE: 08/17/1998
PATENT NUMBER:

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